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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,976	07/12/2001	Arthur Ernest Conrad	01424-P0037B	9444
24126	7590	02/13/2006	EXAMINER	
ST. ONGE STEWARD JOHNSTON & REENS, LLC 986 BEDFORD STREET STAMFORD, CT 06905-5619			BOVEJA, NAMRATA	
			ART UNIT	PAPER NUMBER
			3622	
DATE MAILED: 02/13/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/903,976	CONRAD ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Namrata Boveja	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 July 2001.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-44 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-44 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/09/2001</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. Claims 1-44 are presented for examination.

**Claim Rejections - 35 USC § 112**

The second paragraph of 35 U.S.C. 112 is directed to requirements for the claims:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

There are two separate requirements set forth in this paragraph:

- (A) the claims must set forth the subject matter that applicants regard as their invention; and
- (B) the claims must particularly point out and distinctly define the metes and bounds of the subject matter that will be protected by the patent grant.

4. Claims 1 and 23 are rejected under 35 U.S.C. 112.

Claims 1 and 23 teach a system for displaying web content wherein the attract loop code automatically transmits a request for attract loop content and automatically transmits a request for attract loop content in response to the request for attract loop content. It is unclear if the attract loop code transmits a request automatically without a user event or only when it is requested as a result of a user event. It is interpreted to mean that the attract loop content request is transmitted automatically as a result of a user event. Clarification is required.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless - (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-6, 8-16, 18-28, 30-38, and 40-44 are rejected under 102(e) as being anticipated by Park et al (6,295,061 hereinafter Park).

**Disclaimer:** Claims 1 and 23 were found to be deficient under U.S.C. 112 second paragraph. To the extent the claimed invention was understood, the following art was applied.

In reference to claims 1, 11, 21, 22, 23, 33, 43, and 44 Park discloses a method and system for displaying and implementing an attract loop for displaying web content on a user computer comprising: providing a central computer (i.e. the server computer) (col. 5 lines 26-38, col. 6 lines 26-33, and Figures 5 and 6); providing a user computer in communication with said central computer through a communications link (col. 5 lines 26-38, col. 6 lines 51-53, col. 7 lines 49-63, and Figures 5 and 6), the user computer having a browser executing thereon and having a display (col. 5 lines 49-58, col. 8 lines 20-24, col. 10 lines 61 to col. 11 line 1, and Figures 6 and 7) receiving, from the browser executing on the user computer, a request to transmit a web page (col. 5 line 49-58 and col. 10 lines 61 to col. 11 line 1); transmitting a web page to the browser executing on the user computer in response to the request to transmit a web page, the web page comprising attract loop code, wherein the attract loop code monitors said user computer for a user event (col. 7 lines 49-63, col. 8 lines 20-24, col. 10 lines 47 to col. 11 lines 65, and Figures 8-15), and if the user event does not occur within a specified time period, the attract loop code causes the browser executing on

the user computer to transmit a request for attract loop content to the central computer (col. 3 lines 28-30 and 44-50), transmitting attract loop content to the browser executing on the user computer in response to the request for attract loop content (col. 4 lines 13-17, col. 10 lines 27-46, col. 11 lines 32-65, and Figures 10-15) and wherein the attract loop code causes the attract loop content to be displayed on the display of the user computer through the browser (col. 8 lines 20-49, col. 10 lines 23-25, and Figures 10-15).

6. In reference to claims 2, 12, 24, and 34, Park discloses the method and system wherein the attract loop code, while the attract loop content is being displayed on the display of the user computer, monitors the user computer for a user event, and, upon the occurrence of the user event, automatically causes the display of the attract loop content to be terminated (i.e. disappearance) (abstract, col. 3 lines 22-27 and 31-34, col. 4 lines 13-17, col. 10 lines 7-12, and Figures 10 and 13).

7. In reference to claims 3, 13, 25, and 35, Park discloses the method wherein the central computer comprises a web server (i.e. a server that serves web sites to the client computer) (col. 5 lines 26-58, col. 6 lines 25-27, col. 8 lines 20-24, and Figures 5 and 6).

8. In reference to claims 4, 14, 26, and 36, Park discloses the method wherein the attract loop content is displayed in a browser window (col. 5 lines 49-58, col. 7 lines 12-13 and 49-57, col. 8 lines 20-24, col. 9 lines 18-19 and 35-37, col. 10 lines 24-26, col. 11 lines 29-31, and Figures 6-15).

9. In reference to claims 5, 15, 27, and 37, Park inherently discloses the method attract loop content is displayed in a browser window in full screen mode (since, the option to display a browser window in full screen mode is automatically presented as a feature of the browser itself, for example in Internet Explorer, under the View menu on the toolbar, there is an option to display a full screen mode, and Park teaches the invention using the Internet Explorer web browser, and therefore the full screen mode option is positively present in Park's disclosed invention) (col. 5 lines 49-58, col. 7 lines 12-13 and 49-57, col. 8 lines 20-24, col. 9 lines 18-19 and 35-37, col. 10 lines 24-26, col. 11 lines 29-31, and Figures 6-15).

10. In reference to claims 6, 16, 28, and 38, Park discloses the method wherein the attract loop content is displayed in a browser window which was automatically opened by the attract loop code (col. 3 lines 22-50, col. 4 lines 13-17, col. 11 lines 46-65, and Figures 3 and 10-15).

11. In reference to claims 8, 18, 30, and 40, Park discloses the method wherein the user event is selected from the group consisting of manipulation of an input device, movement of a mouse (i.e. cursor movement) (abstract, col. 3 lines 12-17 and 55-67, col. 4 lines 13-17, col. 9 lines 56 to col. 10 lines 6, col. 11 lines 46 to col. 12 lines 16, and Figures 10-13), typing on a keyboard, access of a storage device, and combinations of these.

12. In reference to claims 9, 19, 31, and 41, Park discloses the method wherein the attract loop content comprises media selected from the group

consisting of text (col. 7 lines 65 to col. 8 lines 2), graphics (col. 7 lines 65 to col. 8 lines 2), animation, sound, video, multimedia, and combinations of these.

13. In reference to claims 10, 20, 32, and 42, Park discloses the method wherein the attract loop content relates to subject matter selected from the group consisting of advertisement (col. 7 lines 65 to col. 8 lines 4), entertainment, education, and combinations of these.

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 7, 17, 29, and 39 are rejected under U.S.C. 103(a) as being unpatentable over Park in view of the article titled "An Internet newcomer is making money by selling moving ads as part of screen savers" written by David Barboza for the New York Times on October 1, 1996 on page D.7 (hereinafter Barboza).

In reference to claims 7, 17, 29, and 39 Park teaches the method wherein the attract loop code is received and displayed (col. 7 lines 43-57, col. 8 lines 20-24 and 38-40, and col. 11 lines 29-31). Park is silent about teaching the method that automatically causes the attract loop content to be continually updated.

Barboza teaches the method that automatically causes the attract loop content to be continually updated (page 1 lines 1-4 and 7-9, page 2 lines 15-17, 26-28, and

31-33). It would have been obvious to modify Park to include the method that automatically causes the attract loop content to be continually updated to gain access to up to date advertising content to be presented with the web page to the users. Further, it would make sense to have continually updated content, since users would not want to see the same advertisements over and over again, and repeated advertisements will also not benefit the advertiser as the viewers will no longer be interested in viewing the repeated advertisement.

**Conclusion**

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure include the following.

- a) Guyot Patent Number 6,119,098. Teaches a method and system for targeting and distributing advertisements over a distributed network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namrata (Pinky) Boveja whose telephone number is 571-272-8105. The examiner can normally be reached on Mon-Fri, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The **Central FAX** phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information

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for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 1866-217-9197 (toll-free).

NB

January 31<sup>st</sup>, 2006



RAQUEL ALVAREZ  
PRIMARY EXAMINER